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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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United States of America,

Plaintiff,

vs.

WILLARD DEAN,

Defendant.

)  
) Case No.: 2:11-CR-223-JAD-CWH  
)  
) MOTION TO CONTINUE HEARING ON  
) DEFENDANT'S MOTION FOR EARLY  
) RELEASE FROM SUPERVISORIN AND  
) EXTENSION OF TIME FOR  
) GOVERNMENT TO FILE ITS RESPONSE  
) TO DEFENDANT'S MOTION (doc. no.  
) 252)  
)

*(Second Request)*

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The United States of America, by and through counsel, DANIEL G. BOGDEN, and the undersigned Assistant United States Attorney, Kimberly M. Frayn, hereby move that the hearing on the Defendant's motion for early release from supervision, currently set for March 14, 2016, be continued, to a date and time convenient to the Court, but not earlier than 90 days from the present hearing date, and that the Government be granted an extension of time to file the Government's response to the to the Defendant's motion for early release from supervision to a date and time convenient to the Court, but not less than 75 days from the present hearing date for the following reasons:

1. The Defendant has requested to be released from supervision early (doc. no. 252). A significant amount of restitution remains due and owing for which the Defendant is

1 jointly and severally liable. The Defendant participated in a Judgment Debtor Exam on or about  
2 February 16, 2016. At that time, the Defendant was asked to provide certain additional  
3 financial documentation and information. The Defendant is in the process of providing that  
4 documentation and last produced additional documents as recently as Friday, February 26,  
5 2016.

6 2. The Government was ordered to file its responsive pleading on March 1, 2016.  
7 However, the Government wishes to make a recommendation to the Court about whether the  
8 Court should or should not grant the Defendant's motion for early termination **after** the results  
9 of the Judgment Debtor Exam and the defendant's supplemental financial documentation and  
10 information have been analyzed. The United States Probation Department, Officer Joe Nilo, has  
11 asked undersigned counsel to seek a continuance of the hearing date for at least 90 days while  
12 this analysis is completed so that accurate representations can be made to the Court about the  
13 Defendant's financial status and his compliance with his existing conditions of release.

14 3. The Defendant is not in custody. His term of supervision is not scheduled to  
15 expire until on or about January 27, 2018. Undersigned counsel contacted defense counsel on  
16 March 1, 2016 to inquire whether the parties could stipulate by agreement to the Government's  
17 requested continuance of the motion hearing and extension of time to file the Government's  
18 response to the pending motion; however, at the date of this filing, no response to government  
19 counsel's inquiry has been received. The requested continuance and extension of time is not  
20 made merely for delay, but to allow the Government sufficient time to determine all of the  
21 factors that it needs to consider in formulating a recommendation for the Court about whether  
22 the Defendant should be allowed early termination of supervision. The brief 90 day  
23 continuance and 75 day extension for the Government to file its responsive pleading will not  
24 unduly prejudice the Defendant.

1 This is the Government's second request.

2 THEREFORE, the Government respectfully requests that the Court order that the  
3 hearing on the Defendant's motion for early release from supervision, currently set for March  
4 14, 2016, be continued, to a date and time convenient to the Court, but not earlier than 90 days  
5 from the present hearing date; and that the Government have an extension of time to file the  
6 Government's response to the to the Defendant's motion for early release from supervision to a  
7 date and time convenient to the Court, but not less than 75 days from the present hearing date.

8 Dated this the 2nd day of March, 2016.

9 DANIEL G. BOGDEN  
United States Attorney

10 /s/ Kimberly M. Frayn  
11 KIMBERLY M. FRAYN  
Assistant United States Attorney

12 PROPOSED ORDER

13 After considering the Government's motion, the Court hereby finds good cause to  
14 grant the Government's request.

15 THEREFORE, IT IS HEREBY ORDERED that the Government's Motion to Continue  
16 Hearing On Defendant's Motion For Early Release From Supervisoin And Extension Of Time  
17 For Government To File Its Response To Defendant's Motion is GRANTED. The hearing  
18 currently set for March 14, 2016, is hereby continued, to a date not earlier than 90 days after the  
19 March 14, 2016, that is on June 27, 2016, at 9:00 a.m. and the Government  
20 shall file its response to Defendant's motion before midnight on the 75<sup>th</sup> day after March 14,  
21 2016.

22   
23 THE HONORABLE JENNIFER A. DORSEY  
24 UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served on counsel for defendant via ECF electronic notification.

Dated: March 2, 2016

/s/ Kimberly M. Frayn  
KIMBERLY M. FRAYN  
Assistant United States Attorney